

MINUTES OF MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JULY 11, 2012

The Maple River Water Resource District met on July 11, 2012, at 9:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Rodger Olson, Chairman; Jurgen Suhr, Manager; Gerald Melvin, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Diane Pochardt, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Chad Engels and Mike Opat, Engineers for the Board; and those whose names appear on the attached roster.

Solicitation of views and comments from the North Dakota Department of Transportation regarding improvements to State Highway 46 from 9 miles east of Enderlin to State Highway 81

The Board invited township officials and the Ransom County Water Resource District to the meeting to discuss the improvements proposed by the North Dakota Department of Transportation (NDDOT) to State Highway 46 from 9 miles east of Enderlin to State Highway 81.

Chad Engels said the Board requested a study on what would be needed to keep State Highway 46 dry without impacting others, but the NDDOT was not interested in pursuing that. They plan to keep State Highway 46 at the same elevation, so there will be no change to how flooding occurs on the Sheyenne River.

Clayton Brown expressed concerns about keeping water in Cass-Richland Drain #1 so it does not flow north.

There was also discussion about grading 3/4 mile of the south ditch along State Highway 46 to take water west to Coburn Township Drain. A larger culvert could not be installed through the highway at the drain unless Drain #54 is reconstructed.

Township officials would like to see a culvert installed or moved so it would line up between the northeast corner of Section 5 in Coburn Township and southwest corner of Section 34 in Watson Township.

Chairman Olson said property owners are interested in constructing a 1.25 mile legal drain along the north side of State Highway 46.

Chairman Olson asked those present to contact the Board if they have any further input on the matter.

Upper Maple River Dam

Mr. Engels said they continue to work through the permit process for the Upper Maple River Dam. Harold Zerface said he would like the Board to hold a meeting with impacted property owners. Mr. Engels said there are no new updates regarding the permit process, but they could meet with the property owners to discuss the project.

The Maple-Steele Joint Water Resource District will hold an informational meeting at 9:00 a.m. for landowners that would be impacted by the proposed Upper Maple River Dam in Section 35 of Carpenter Township in Steele County and another meeting at 10:00 a.m. for landowners benefitting from the project on Wednesday, July 25, 2012, at the Page Auditorium, Page, North Dakota.

Lake Bertha Flood Control Project No. 75

Mr. Engels and Mike Opat reviewed the proposed outlet channel alignment and the *Engineer's Opinion of Probable Cost* regarding Lake Bertha Flood Control Project No. 75. The total cost of the project is \$665,000 and with cost share from the State Water Commission, Cass County and the Red River Joint Water Resource District, the local share would be approximately \$161,000. Mr. Opat said the project would provide between 4,500-5000 acre-feet of storage. It appears that the outlet elevation could be no lower than 1087.0'.

Kurt Tompkins indicated Ducks Unlimited would be happy to meet with the Board to discuss the project. He will contact them about attending the next meeting. The Board asked about possible cost share from Ducks Unlimited. Mr. Tompkins believes it would be minimal.

Wes Beilke said he would be willing to circulate a Petition and collect the deposit money required for the Board to proceed with the project.

In addition to Ducks Unlimited, the Board will invite Eldred Township officials, Jason Benson, Cass County Engineer, and representatives of the Cass County Wildlife Club to the next meeting to discuss the matter.

Drain #14 Channel Improvements – grass seeding

Mr. Engels informed the Board the grass seeding did not take on the Drain #14 Channel Improvements Project. The contractor is taking soil tests to help determine the problem.

Drain #46 assessment district

The Water Resource District Attorney updated the Board on the *Assessment Agreements* required from property owners that will benefit from *Application to Install a Subsurface Drain #201215* for Brad Olstad. One of the conditions to the permit was those properties need to be included in the Drain #46 assessment district.

Application to Install a Subsurface Drain #201213 for Lynn Goltz and Troy Goltz, Goltz Farms LLC in the E 1/2 of Section 33 in Leonard Township

The Board reviewed *Application to Install a Subsurface Drain #201213* dated April 5, 2012, for Troy and Lynn Goltz. The Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer's Office to consider and approve). Under the application, Applicant seeks to install a drain tile system in the E 1/2 of Section 33 in Leonard Township, Cass County, North Dakota. The project will include a pump outlet that will discharge on the east line of the NE 1/4 in Section 33 (approximately 1/4 mile south of the northeast corner) into the west ditch of North Dakota Highway 18. From there, the tile discharge will flow north approximately 1/4 of a mile, until it reaches the northeast corner of Section 33; the tile discharge will then flow through an existing culvert through Highway 18 and into the east ditch of Highway 18; the tile discharge will then flow north in the east highway ditch.

Mr. Engels indicated NDDOT will likely require Applicant to install and maintain erosion protection and will likely require limitations on pumping into its road ditch. The Board will require Applicant to obtain permission from NDDOT, but the Board does not have any authority over conditions attached by NDDOT to its permission.

According to records on file with the Cass County Recorder's Office, Lynn Goltz owns the E 1/2 of Section 33 where Applicant intends to install the tile system.

It was moved by Manager Suhr and seconded by Manager Melvin to approve *Application to Install a Subsurface Drain #201213* dated April 5, 2012, for Troy and Lynn Goltz in the E 1/2 of Section 33 in Leonard Township, subject to the following conditions:

- 1) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 2) That Applicant obtain written permission from the North Dakota Department of Transportation to discharge into, or otherwise utilize, any of NDDOT's Highway 18 road ditch;
- 3) That Applicant notify the Maple River Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 4) That Applicant notify the Maple River Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application; and
- 5) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and / or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

Application to Install a Subsurface Drain #201219 for Donald Giermann in the S 1/2 of Section 11 in Wheatland Township

The Board reviewed *Application to Install a Subsurface Drain #201219* dated June 21, 2012, for Donald Giermann. The Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer's Office to consider and approve). Under the application, Applicant seeks to install a drain tile system in the S 1/2 of Section 11 in Wheatland Township, Cass County, North Dakota. The project will include two gravity outlets, both of which will discharge directly into a natural channel that flows through the S 1/2 of Section 11.

Mr. Engels reviewed the application and recommended that, because the outlets will both discharge directly into a natural watercourse, the Board should require Applicant to install and maintain erosion protection to protect the watercourse. The proposed project will discharge directly into a natural watercourse and therefore the application did not require a *Thirty-Day Notice* under N.D. Cent. Code Section 61-32-03.1, and the Board cannot require Applicant to obtain any flowage easements from downstream landowners.

According to records on file with the Cass County Recorder's Office, Donald and Karen Giermann own the S 1/2 of Section 11 in Wheatland Township.

It was moved by Manager Suhr and seconded by Manager Melvin to approve *Application to Install a Subsurface Drain #201219* dated June 21, 2012, for Donald Giermann in the S 1/2 of Section 11 in Wheatland Township, subject to the following conditions:

- 1) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 2) That Applicant provide and maintain adequate erosion protection at any and all outlets into the natural watercourse in the S 1/2 of Section 11;
- 3) That Applicant notify the Maple River Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 4) That Applicant notify the Maple River Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application; and
- 5) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and / or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

Pontiac Township Improvement District No. 73

Mr. Opat reviewed preliminary assessment calculations for Pontiac Township Improvement District No. 73. The State Water Commission approved funding for the project on June 13, 2012. Funding has also been requested from the Cass County Flood Sales Tax. Sean Fredricks explained the voting process.

Cost participation on silt removal from Gohdes stock ponds

Chairman Olson said he was contacted by Keith Gohdes regarding the silt that has filled in the stock ponds at Swan Creek. The Board agreed the action taken in 2003 still stands, which sets out the Water Resource District will pay 50% for a one-time cleanout up to \$750. Chairman Olson will contact Mr. Gohdes regarding the matter.

Pledge of Assets

It was moved by Manager Melvin and seconded by Manager Suhr to approve the following Pledge of Assets:

Alerus Financial (as per agreement of March 7, 1996)

Upon roll call vote, the motion carried unanimously.

2011 Audit

It was moved by Manager Suhr and seconded by Manager Melvin to approve the 2011 audit of the Maple River Water Resource District. Upon roll call vote, the motion carried unanimously.

2013 Budget

It was moved by Manager Melvin and seconded by Manager Suhr to approve the 2013 budget for the Maple River Water Resource District. Upon roll call vote, the motion carried unanimously.

2012 Maintenance Levy Assessments

It was moved by Manager Suhr and seconded by Manager Melvin to approve the 2012 Maintenance Levy Assessments for the Maple River Water Resource District. Upon roll call vote, the motion carried unanimously.

Spraying trees on Maple River Dam Site T-180

The Board discussed having Cass County Weed Control spray the trees on Maple River Dam Site T-180. A contractor will remove the dead trees at a later date.

Minutes

It was moved by Manager Suhr, seconded by Manager Melvin and unanimously carried to approve the minutes of the June 7, 2012, meeting.

Bills

It was moved by Manager Suhr and seconded by Manager Melvin to approve payment of Checks #4960 through #4970 and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Olson, Suhr and Melvin. The Chairman declared the motion passed.

Maple River Dam Tour

A tour of the Maple River Dam is scheduled for the morning of Friday, July 20, 2012.

Adjournment

There being no further business to be consider, it was moved by Manager Melvin, seconded by Manager Suhr and unanimously carried to adjourn the meeting.

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer